

1976 年海事求償責任限制公約

1976 年 11 月 19 日 訂於倫敦，1986 年 12 月 1 日生效

2012 綜合文本

(1976~2012)

(含 1976、1996 議定書(2004 年生效)及 2012 年修正(2015 年生效))

Convention on Limitation of Liability for Maritime Claims, 1976

Signed at London, Nov 19, 1976, Entered into force Dec., 1, 1986

2012 Consolidated Texts

(1976~2012)

(As amended 1976、1996 Protocol and 2012 Amendment)

LLMC 綜合文本(1976~2012)

LLMC 1976:

生效門檻：12 國 + 1 年

(2019.3)締約國數：54 國

LLMC PROT 1996 :

生效門檻：10 國 + 90 日

(2019.3)締約國數：57 國

簡介：本公約係為取代早期的 1924 年及 1957 年海船所有人責任限制公約。本公約規定船舶所有人等對於公約所列舉之某些求償類型可以主張責任限制(區分為人員責任及財產責任二不同限額)、哪些項目不可主張海事限責、限責權利之剝奪、限責額度、限責幣值等。1976 年 LLMC 公約於 1986 年生效，為因應通貨膨脹所導致的限責額度實質降低等因素，1976 年 LLMC 公約於 1996 年進行議定書修正，主要為提高限責額度約 2.5 倍，另規定限責額修正程序等。2012 年再度修正 1996 年議定書修正，再次將限責額度提高 1.51 倍。

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THE STATES PARTIES TO THIS CONVENTION,
HAVING RECOGNIZED the desirability of determining by agreement certain uniform rules relating to the limitation of liability for maritime claims,
HAVE DECIDED to conclude a Convention for this purpose and have thereto agreed as follows:

本公約締約國，
認識到透過協議確定關於海事求償責任限制若干統一規則之需要，
決定為此目的締結一公約，並就此達成協議如下：

CHAPTER I. The Right of Limitation

第一章 限責權利

Article 1 Persons entitled to limit liability

第 1 條 有權限責之人

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
 2. The term "shipowner" shall mean the owner, charterer, manager or operator of a seagoing ship.
 3. Salvor shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
 4. If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
 5. In this Convention the liability of a shipowner shall include liability in an action brought against the vessel herself.
 6. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.
 7. The act of invoking limitation of liability shall not constitute an admission of liability.
- (a) 下列定義之船舶所有人及救助人得依本公約規定，就第2條所規定之求償主張責任限制。
 - (b) 「船舶所有人」乙詞指海船之所有權人、租傭船人、經理人或營運人。
 - (c) 救助人應指任何提供直接與救助作業有關服務之人。救助作業應包括與第2條第1(d)款、(e)款及(f)款有關之作業。
 - (d) 如第2條所規定之求償係向船舶所有權人或救助人應對其行為、過失或疏失負責之人提出者，該人應有權依本公約規定主張責任限制。
 - (e) 於本公約，船舶所有人責任應包括向船舶本身提出請求之責任。
 - (f) 保險人對於依本公約規定可主張限責之求償之保險責任，就被保險人本身依法得主張公約限責範圍，保險人亦有權主張同樣的公約利益。
 - (g) 主張限責之行為不應構成責任之承認。

Article 2 Claims subject to limitation

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:
 - (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
 - (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
 - (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
 - (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
 - (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
 - (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.
2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise.

However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Article 3 Claims excepted from limitation

The rules of this Convention shall not apply to:

- (a) claims for salvage, including, if applicable, any claim for special compensation under article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average; 1996
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage dated 29th November 1969 or of any amendment or Protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations,

第 2 條 得主張限責之求償

1. 於適用第3條及第4條情況下，下列求償，無論責任基礎為何，均得主張責任限制：
 - (a) 發生於船上或與船舶操作或救助作業直接有關之人命傷亡或財物(包括對港埠設施、港區，水道或助航設施)之毀損滅失，及其附屬損失；
 - (b) 海上貨物、旅客或其行李運送遲延所致損失之求償；
 - (c) 與船舶操作或救助作業直接有關，契約權利以外之權利侵犯所致其它損失之求償；
 - (d) 有關沈船、殘骸、擱淺船舶或棄船，包括該船舶上或曾在船舶上之任何物品之浮起、移除、摧毀或使之無害有關之求償；
 - (e) 有關船上貨物之移除、摧毀或使之無害之求償；
 - (f) 應負責之人以外之人為避免或減輕應負責之人可依公約主張限責之損失所採行措施及該措施所致額外損失之求償。
2. 第1項所規定之求償，無論是否為依某契約之回復或補償，均得主張責任限制。

然第 1 項第 1(d)款、(e)款及(f)款之求償，應負責之人依約有關之補償不得主張責任限制。

第 3 條 限責求償類型之除外

本公約規定不適用於：

- (a) 有關救助之求償，包括依1989年國際海難救助公約第14條特別補償金之任何求償，或共同海損分擔之求償；
- (b) 1969年11月29日國際油污污染民事責任公約及其任何修訂或議定書所定義之油污污染損害之求償；
- (c) 有關任何國際公約或各國法律規範或禁止核子損害限制責任之求償；
- (d) 向核子船舶所有人為核子損害請求之求償；
- (e) 依船舶所有人或救助人與其受雇人間僱傭契約應適用之法律，該船

including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

船所有人或救助人就該求償不得限制其責任，或依是項法律，船舶所有人僅得就大於本公約第6規定之限責額度以上部分可主張限責時，船舶所有人或救助人之受雇人(包括其繼承人、家屬或其它有權提出該求償之人)就其職務與船舶或救助作業有關之求償。

Article 4 Conduct barring Limitation

第 4 條 不得主張限責之作為

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the Intent to cause such loss, or recklessly and with knowledge, that such loss would probably result.

經證明某損失係由某人有意造成或對於損失可能發生有重大過失並知曉之個人作為或不作為時，該應負責之人不得主張責任限制。

Article 5 Counterclaims

第 5 條 反求償

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

依本公約規定有權主張限責之人可向同該限責事故所生之請求權人為求償時，兩者間之求償應相互抵減，而本公約規定僅適用於抵減後之餘額部分。

CHAPTER II. Limits of Liability

第二章 責任限制

Article 6 The general limits

第 6 條 一般限額

1. The limits of liability for claims other than those mentioned in article 7, arising on any distinct occasion, shall be calculated as follows: 1996

1. 除第 7 條規定外，任一事故所致求償之責任限額依下列計算之：

- (a) in respect of claims for loss of life or personal injury,
 - (i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 2,001 to 30,000 tons, 800 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 600 Units of Account; and
 - for each ton in excess of 70,000 tons, 400 Units of Account,
- (b) in respect of any other claims,
 - (i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 2,001 to 30,000 tons, 400 Units of Account;

- (a) 有關人命傷亡之求償，
 - (i) 不超過 2000 噸者，每船 2,000,000 記帳單位，
 - (ii) 船舶噸位超過前述所載，第(1)款以外應再加上下列數額：
 - 2,001 至 30,000 噸，每噸 800 記帳單位；
 - 30,001 至 70,000 噸，每噸 600 記帳單位；
 - 超過 70,000 噸，每噸 400 記帳單位，
- (b) 有關任何其它求償，
 - (i) 不超過 2,000 噸者，每船 1,000,000 記帳單位，
 - (ii) 船舶噸位超過前述所載，第(i)款以外應再加上下列數額：
 - 2,001 至 30,000 噸，每噸 400 記帳單位；
 - 30,001 至 70,000 噸，每噸 300

for each ton from 30,001 to 70,000 tons, 300 Units of Account; and
for each ton in excess of 70,000 tons, 200 Units of Account.

2012 Amendment

- (a) in respect of claims for loss of life or personal injury,
- (i) 3.02 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
- (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
for each ton from 2,001 to 30,000 tons, 1,208 Units of Account;
for each ton from 30,001 to 70,000 tons, 906 Units of Account; and
for each ton in excess of 70,000 tons, 604 Units of Account,
- (b) in respect of any other claims,
- (i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
- (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
for each ton from 2,001 to 30,000 tons, 604 Units of Account;
for each ton from 30,001 to 70,000 tons, 453 Units of Account; and
for each ton in excess of 70,000 tons, 302 Units of Account.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).
3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 2, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under paragraph 1(b) as is provided by that law.
4. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.
5. For the purpose of this Convention the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

Article 7 The limit for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000

記帳單位；
超過 70,000 噸，每噸 200 記帳單位；

第 1 項 2012 年修正

- (a) 有關人命傷亡之求償，
- (i) 不超過 2000 噸者，每船 3,020,000 記帳單位，
- (ii) 船舶噸位超過前述所載，第 (1) 款以外應再加上下列數額：
2,001 至 30,000 噸，每噸 1,208 記帳單位；
30,001 至 70,000 噸，每噸 906 記帳單位；
超過 70,000 噸，每噸 604 記帳單位，
- (b) 有關任何其它求償，
- (i) 不超過 2,000 噸者，每船 1,510,000 記帳單位，
- (ii) 船舶噸位超過前述所載，第 (i) 款以外應再加上下列數額：
2,001 至 30,000 噸，每噸 604 記帳單位；
30,001 至 70,000 噸，每噸 453 記帳單位；
超過 70,000 噸，每噸 302 記帳單位；

2. 依第 1(a) 款計算所得之數額如不足以全額支付該款所規定之求償，依第 1(b) 款計算所得之數額可用於支付前述無法支付第 1(a) 款求償之差額，該差額應與第 1(b) 款所規定之求償比例受償。
3. 在不損及第 2 項有關人命傷亡求償權利之情況下，締約國得以其國內法規定有關損害港口設施、港灣及水道及助航設施之求償得優先本法前述第 1(b) 款所規定求償。
4. 對於非操作船舶之任何救助者，或完全於被救助船上為救助作業之任何救助者，或有關其進行救助服務之責任限制應以 1,500 噸計算之。
5. 為本公約之目的，船舶噸位應為依 1969 年國際船舶噸位測量公約附錄 I 規定之噸位測量規則計算所得之總噸位。

第 7 條 旅客求償之限責

1. 對於客輪任一事件所致人命傷亡之求償，船舶所有人之責任限制額應為該輪船舶證書可搭載人數乘以 175,000 記帳